

Thank you for the opportunity to comment on RM-10868, Radio Amateur Foundation's petition for restructuring of the Amateur Radio Service

Although I am Chairman of the Question Pool Committee (QPC) of the National Conference of Volunteer Examiner Coordinators (NCVEC), my comments are personal and do not necessarily represent those of the QPC or the NCVEC. However, they are based on my experience as a member of the QPC since 1996 and as chair since August 2000. I have absolutely no financial or pecuniary interest in any aspect of the Amateur Radio Service including testing or the preparation of testing or training materials.

The petitioner proposes modifying the existing Technician class license to allow "restricted high-frequency telephony, data, image, and CW privileges, thereby remaining the de facto entry point into the Service". The petition ignores one of the major programs with the existing license structure. The Technician licensee was never designed as an entry level license; it provides full Amateur privileges including full power for frequencies above 30 MHz. A true entry level license should permit the new Amateur to experience most frequency bands and modes of operation at power levels commensurate with the limited testing and experience of the licensee.

The existing Technician license fails this test. The authorized power levels are far too high for an entry level license. The Novice level license, which was the last true entry level license did provide for low power operation. The ARRL's petition (RM-10867) and the NCVEC's petition (RM-10870) both provide for an entry level license with limited power privileges consistent with Part 97.13. On a personal note, one of the concerns I and other QPC members have had with the existing license structure, is that we permit brand new Technicians full power operating privileges. Prior to the abolition of the Novice license, a ham had to pass two written examinations in order to operate at high power levels. I firmly believe the FCC should return to a similar license structure.

The ARRL's petition (RM-10867) and the NCVEC's petition (RM-10870) provide for an entry level license with limited frequency privileges and power levels consistent with the historical approach of the Novice license.

The petitioner requests that no changes be made in the General or Amateur Extra class license including retention of the Element 1 (CW) requirement. I respectfully disagree

Morse code has a long and distinguished history in Amateur Radio, but technology is an ever evolving entity. The original purposes for CW testing are no longer required from an operational or regulatory standpoint. Sending a message at five words per minute is excruciatingly slow means to convey a meaningful message and is hardly demonstration of proficiency in Morse code. In my opinion it does not represent a level of achievement that the commission should recognize as a requirement for an Amateur Radio Service license at any level, just as the international community no longer requires such a demonstration.

As the international treaty Morse code requirement is *passé*, the Americans with Disabilities Act (ADA) comes into play. The whole issue of "reasonable accommodation" for a disability becomes an issue. I have already seen individuals at testing sessions seek a wavier to the existing Morse code requirements due to the change in the international treaty. If Morse code is retained the commission will have to adopt procedures to deal with wavier requests. This was a torturous undertaking for the 13 WPM and 20 WPM tests prior to April 15, 2000. This topic consumed more time than

any other subject in FCC—VEC—VE communications. It will be equally torturous and consume as much of the Commission's time for a five WPM test whose only apparent function is to demonstrate proficiency for a single signal communications mode with an old and honorable history.

I support the automatic upgrade of the various license classes as partially described in this petition, and fully described in the NCVEC's (RM-10870) and the ARRL's (RM-10867). The latter two advocate that existing Technicians be upgraded to General as part of this effort and the existing Technician license be abolished. All three advocate an identical process for Advanced to Amateur Extra. Prior to 1987 the written examination for Technician and General were the same (Element 3). Since that time the QPC has adjusted the now Element 2 (Technician) and Element 3 (General) Pool to put more emphasis on HF operations in the Element 3 question pool. However, Technician licensees with credit for Element 1 (Morse code) have HF privileges; therefore the QPC has left some HF operations and propagation questions in the Element 2 pool. Granting existing Technician licensees General licensee privileges and granting existing Novices the new entry level privileges is not granting either class of licensee a set of privileges to which they haven't previously been exposed or examined. This is even truer for Advanced Class licensees upgraded to Amateur Extra, where the differences are in frequency privileges within the same bands. The material in the former Element 4A (Advanced) question pool has been incorporated into the current Element 4 (Extra) question pool. The amateur service has no recurring examination requirement; instead it relies on the initiative of the licensee to maintain currency on those items already tested and to obtain proficiency on new modes, techniques and methods by self study. We presently do not require additional testing when a new mode (e.g., PSK31) or operating technique evolves. We expect under the self-policing and self-study concepts of this radio service that an individual will achieve proficiency in new (to them) techniques prior to operating. I see no reason not to rely on this same expectation in the case of the proposed automatic upgrades.

As chair of the Question Pool Committee, I have probably spent more time than any other member of the Amateur Radio Service performing in-depth analysis and study of the syllabus and the individual questions in all three question pools. The differences in the content of the various question pools are not that profound. Individuals who would receive new privileges due to a proposed automatic upgrade have already been tested to some degree on the additional privileges they would receive. Numerous publications already exist and are widely available to assist a ham in exploring his/her new privileges. The entire tradition of "Elmering" within the Amateur Radio Service is an example of the assistance available within the Amateur community. In short, additional testing is not required for these upgrades. As suggested in the petition, the commission can print a new license document in the new (upgraded) class when the license is renewed or modified, but grant the additional privileges to all upon adoption of the petition.

The petitioner proposes that the questions pools not be released to the general public and substitutes his/her judgment for the Federal Courts by stating that the entire process is illegal.

The FCC, in both Amateur and in past commercial examinations as well as the FAA and numerous other federal agencies use the "question pool" technique to develop examinations for various licenses and permits. Part 97.523 requires, "...Each question

pool must contain at least 10 times the number of questions required for a single examination.”... Although not required, the Question Pool Committee expands this ratio to a minimum of eleven potential questions for each question on an examination. In the syllabus topic relating to Part 97 rules the committee further expands the ratio to twelve to fifteen for each examination question. These actions are to ensure a ratio of ten to one for that specific syllabus topic in the event a question must be withdrawn from the pool due to error or a change in the Part 97 rules.

The petitioner requests that all question pools be kept out of the public domain. With over 30,000 Volunteer Examiners, each who has a legitimate reason to have access to the entire question pool for each examination; keeping the pools private, i.e. out of the public domain, is impossible. Nothing known by 30,000 people remains private for long. If this approach was implemented, a repeat of the Dick Bash type of book would occur. Authors would attempt to determine what was on the examination by debriefing examinees and volunteer examiners. Inevitably the pool would become “public” at least to those who knew “someone” or purchased a “crib or cheat sheet”. Enforcement by the FCC for disclosure of the pool contents would be impossible. I doubt that any US Attorney would be interested in prosecution of an alleged offender. I doubt that any jury would convict someone.

The petitioner (in paragraph 44) states that an examinee who fails an examination and retakes the element at that time”is handed another copy of the exam – in most cases the same exact examination that was just failed by the applicant.” This is in direct violation of the Part 97 rules. No VE should do this. The FCC has taken vigorous enforcement action for compromised test sessions. If the petitioner knows of specific instances of this occurring he/she should notify the FCC immediately. The petitioner also alleges in the same paragraph that the examinee has had missed questions shown to him along with the correct answers. The *Instructions to Examiners* published by the National Conference of Volunteer Examiner Coordinators specifically prohibits this practice of “debriefing” an examinee.

The existing practice of permitting an examinee to take another exam at the same test session does not compromise the examination process provided the existing Part 97 rules are followed, i.e. the examinee is given a different examination. It is possible that the second examination may have one or two of the same questions but given an eleven to one ratio for each question on a 35 question test the probability of exactly the same test is $3.55E-37$ [Decimal point 38 zeros then 355].

The petitioner makes numerous statements that the entire question pool methodology is flawed. He quotes such phrases as “memory effect” and “practice effect” and alleges that they create systematic errors in the entire test process. The pass rate on the written examination elements has remained at 70% to 60% since the beginning of the present testing system, the higher portion of the range for the Technician Element (the easiest). If the alleged systematic errors were present I would expect the pass rate to increase over time. As with many examination processes, those who took the examination years ago remember it as far harder than it actually was, and when they look at today’s examination it appears far easier than what they remember. The reason for this is simple. They have become more proficient on the subjects on the examination and don’t realize that they are applying their present level of knowledge to the contents of the examination. Applying this standard they feel the present examination is too easy.

This petition suggested that call sign assignment for the “new Technician” license be unique and different from the present approach. I would urge the commission to continue its present call sign assignment structure. At almost every restructuring opportunity in the past fifteen or so years, someone proposes that the “new kid” on the block be “tattooed” with a unique call sign so that the “real hams” know who they are. Fortunately, the commission has not done so. The “new entry level” licensee should not have a call signs format that is unique to only his/her class of license. To do so would “ghettoize” the new licensee. Unfortunately some amateur operators have been extremely rude to new licensees, with comments such as “You’re not a real ham”, etc. I realize that some old timers recall their youth and their eagerness to change their WN#XXX call to W#XXX, but the world has changed and there is no requirement that a “new entry level” licensee ever upgrade. The petitioner would have the new entry level license continue to be the present Technician license. How does the addition of limited HF privileges require a new call sign structure?

I believe the commission’s enforcement personnel will support my contention that the newly licensed hams are not an enforcement problem.

The petitioner requests that the new entry level licensed hams be precluded from obtaining vanity calls. I support the petitioner’s request, except for the case of obtaining a deceased close relative’s call.

Respectfully submitted

Scott Neustadter, W4WW